



Attachment A

Committee: PHP
Committee Review: At a future date
Staff: Livhu Ndou, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #8B
April 21, 2026
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 26-07, Solar Collection System - Use Standards

Lead Sponsor: Council President Fani-González at the Request of the Planning Board

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce agenda item – no vote expected

DESCRIPTION/ISSUE

ZTA 26-07 will amend the use standards for a Solar Collection System, separating rooftop-mounted from ground-mounted solar collection system. It will also amend the definition and use standards for a Solar Collection System, consistent with recent State law.

SUMMARY OF KEY DISCUSSION POINTS

- In April 2025, the General Assembly passed [House Bill 1036/Senate Bill 0931, Public Utilities - Generating Stations - Generation and Siting \(Renewable Energy Certainty Act\)](#). The bill modified several provisions of law regarding solar energy, energy storage, and the work of the Public Service Commission (PSC). This included preempting local jurisdictions from enforcing land use regulations on any Solar Collection System larger than 1 megawatt of generation capacity.
- ZTA 26-07 would bring the County Zoning Ordinance in compliance with State law, reducing confusion for applicants and the public. Of note, the ZTA does not fully remove all existing provisions related to solar, in the event that future State legislation revises or removes the preemption.
- ZTA 26-07 will also remove regulatory burdens for rooftop-mounted solar, by separating the use standards for rooftop- versus ground-mounted solar collection systems.
- A public hearing is tentatively scheduled for June 9, 2026.

This report contains:

ZTA 26-07	© 1
Planning Board Recommendation	© 12
Planning Staff Report	© 14

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Ordinance No.: _____
Zoning Text Amendment No.: 26-07
Concerning: Solar Collection System –
Use Standards
Revised: 4/3/2026 Draft No.: 1
Introduced: April 21, 2026
Public Hearing: _____
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Fani-González at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) amend the use standards for a Solar Collection System, separating rooftop-mounted from ground-mounted;
- (2) amend the definition and use standards for a Solar Collection System consistent with State law; and
- (3) generally amend the use standards for a Solar Collection System.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.7. “Miscellaneous Uses”
Section 3.7.2. “Solar Collection System”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

- 27 a. In the Agricultural Reserve zone, a Solar Collection System is
28 allowed [where the system produces up to 200% of annual
29 baseline energy use on-site and must satisfy] if it satisfies the
30 following requirements:
- 31 i. If the Solar Collection System is ground-mounted, it
32 produces no more than 200% of the annual baseline energy
33 use on the site. If it is rooftop-mounted, it must comply
34 with the energy generation limits of Maryland Code §7-
35 207, as amended.
- 36 ii. Solar panels may encroach into a setback as allowed under
37 Section 4.1.7.B.5.c and may exceed the maximum height
38 as allowed under Section 4.1.7.C.3.b.
- 39 [ii.]iii. Written authorization from the local utility company must
40 be provided for a Solar Collection System that will be
41 connected to the utility grid.
- 42 [iii.]iv. Removal of trees or landscaping otherwise required or
43 attached as a condition of approval of any plan,
44 application, or permit for the installation or operation of a
45 Solar Collection System is prohibited.
- 46 b. In Rural Residential, Residential, Commercial/Residential,
47 Employment, and Industrial zones, where a Solar Collection
48 System is allowed as a limited use, it must satisfy the following
49 standards:
- 50 i. **Ground-mounted Solar Collection Systems [producing**
51 **120% or less of on-site energy use]**
- 52 (a) [The] Ground-mounted Solar Collection [System]
53 Systems producing 120% or less of on-site energy

54 use may be an accessory use under the following
55 standards:

56 [(a)](1) the system produces a maximum of 120%
57 of on-site energy use;

58 [(b)](2) solar panels may encroach into a setback as
59 allowed under Section 4.1.7.B.5.C; and

60 [(c)](3) the panels may exceed the maximum height
61 allowed under 4.1.7.C.3.b.

62 (b) Ground-mounted Solar Collection Systems
63 producing more than 120% of on-site energy use
64 must comply with the energy generation limits of
65 Maryland Code §7-207, as amended, and satisfy the
66 following standards:

67 (1) Site plan approval is required under Section
68 7.3.4.

69 (2) The site must be a minimum of 3 acres in
70 size.

71 (3) All structures must be:

72 (A) 20 feet in height or less;

73 (B) located at least 50 feet from any
74 property line; and

75 (C) surrounded by a minimum 6-foot-tall
76 fence.

77 (4) If a structure for a Solar Collection System is
78 located in an area visible to an abutting
79 residential use or road:

- 80 (A) only solar thermal or photovoltaic
81 panels or shingles may be used;
82 (B) the panels or shingles must use
83 textured glass or an anti-reflective
84 coating; and
85 (C) screening that satisfies Section
86 6.5.3.C.8 (Option A) on the sides of the
87 facility visible from the residential use
88 or road is required.

89 (5) Written authorization from the local utility
90 company must be provided for a Solar
91 Collection System that will be connected to
92 the utility grid.

93 (6) The Solar Collection System must be
94 removed within 12 months of the date when
95 the use is discontinued or abandoned by the
96 system owner or operator, or upon
97 termination of the useful life of the system.
98 The Solar Collection System will be
99 presumed to be discontinued or abandoned if
100 no electricity is generated by the system for a
101 period of 12 continuous months.

102 ii. **Rooftop-mounted Solar Collection Systems [Producing**
103 **more than 120% of on-site energy use]**

104 The Solar Collection System must satisfy the following
105 standards:

- 106 (a) Written authorization from the local utility
107 company must be provided for a Solar Collection
108 System that will be connected to the utility grid.
109 [Site plan approval is required under Section 7.3.4.]
- 110 (b) [The site must be a minimum of 3 acres in size.
- 111 (c) The system may produce a maximum of 2
112 megawatts (AC)] The system must comply with the
113 energy generation limits of Maryland Code §7-207,
114 as amended.
- 115 [(d) All structures must be:
- 116 (1) 20 feet in height or less;
- 117 (2) located at least 50 feet from any property line;
- 118 and
- 119 (3) surrounded by a minimum 6-foot-tall fence.
- 120 (e) If a structure for a Solar Collection System is
121 located in an area visible to an abutting residential
122 use or a road:
- 123 (1) only solar thermal or photovoltaic panels or
124 shingles may be used;
- 125 (2) the panels or shingles must use textured glass
126 or an anti-reflective coating; and
- 127 (3) screening that satisfies Section 59.6.5.3.C.8
128 (Option A) on the sides of the facility visible
129 from the residential use or road is required.
- 130 (f) The Solar Collection System must be removed
131 within 12 months of the date when the use is
132 discontinued or abandoned by the system owner or

133 operator, or upon termination of the useful life of
 134 the system. The Solar Collection System will be
 135 presumed to be discontinued or abandoned if no
 136 electricity is generated by the system for a period of
 137 12 continuous months.]

138 2. Except as allowed by the State of Maryland Code §7-207, as amended,
 139 a [A] Solar Collection System may be allowed as a [Conditional Use]
 140 conditional use in the AR zone if it is a ground-mounted Solar
 141 Collection System [exceeds a] facility rated at more than 200% of on-
 142 site energy use, and is less than 2 megawatts (AC). Where a Solar
 143 Collection System is allowed as a conditional use in the AR zone, it
 144 may be permitted by the Hearing Examiner under Section 7.3.1[.],
 145 [Conditional Use] conditional use and the following standards:

- 146 a. The Solar Collection System is prohibited:
 - 147 i. on soils classified by the United States Department of
 - 148 Agriculture as either Soil Classification Category I or
 - 149 Category II;
 - 150 ii. in a stream buffer;
 - 151 iii. on wetlands; or
 - 152 iv. on slopes equal to or greater than 15%.
- 153 b. Scraping topsoil from the site is prohibited.
- 154 c. Grading and any soil removal are minimized.
- 155 d. The solar collection system is compliant with the requirements
- 156 of the State's net metering program under Maryland Code §7-
- 157 306, COMAR 20.50.10, and COMAR 20.62, as amended.

- 158 e. The area under the solar facility must be actively used for
 159 farming or agricultural purposes by satisfying one or more of the
 160 following requirements:
- 161 [(i)]i. designated pollinator-friendly under the Maryland
 162 Pollinator-Friendly Designation Program;
- 163 [(ii)]ii. planted, managed, maintained, and used for grazing farm
 164 animals; or
- 165 [(iii)]iii. planted, managed, maintained, and used for any other
 166 agrivoltaic plant material.
- 167 f. The applicant must provide evidence that the local utility
 168 company will allow the Solar Collection System to be connected
 169 to the utility grid.
- 170 g. The applicant must provide evidence that the application was
 171 submitted to the Office of Agriculture.
- 172 h. Removal of trees or landscaping otherwise required or attached
 173 as a condition of approval of any plan, application, or permit for
 174 the installation or operation of a Solar Collection System is
 175 prohibited.
- 176 i. Any tree in or on a floodplain, stream buffer, steep slope, critical
 177 habitat, contiguous forest, or historic site, and any champion tree
 178 or other exceptionally large tree is left undisturbed unless a
 179 disturbance is allowed under Section 22A-12(b)(1).
- 180 j. Except for pad areas for transformers and electrical equipment,
 181 the use of concrete is prohibited.
- 182 k. Screening that satisfies Section [59.]6.5.3.C.8. (Option A) on the
 183 sides of the facility within 200 feet of any neighboring house is
 184 required; however, a fence may not be required or prohibited.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council



April 3, 2026

The Honorable Natali Fani-González

President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Subject: Proposed Zoning Text Amendment – Solar Collection Systems

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on March 27, 2026, and by a vote of 3:0 (commissioners Bartley and Pedoeem absent) recommended supporting the draft Zoning Text Amendment (ZTA) and requested that it be introduced by the District Council. This ZTA would amend the use standards for Solar Collection Systems to come into better alignment with recently passed state legislation and would reduce barriers for constructing rooftop Solar Collection Systems.

The proposed ZTA is partly in response to Maryland Senate Bill 931/House Bill 1036, which passed in the 2025 state session. The primary effect of the state legislation is to preempt local jurisdictions from enforcing land use regulations on any Solar Collection System larger than 1 megawatt of generation capacity. The ZTA adds language to the definition of Solar Collection System, to the use standards for ground-mounted systems, and to the section for conditional use in the AR zone referencing Maryland Code Section 7-207, where the preemptions apply. This ZTA does not fully remove Montgomery County's existing regulations on Solar Collection Systems in case future state legislation revises or removes the preemption.

Other changes in the proposed ZTA are modifications intended to remove existing regulatory burdens on rooftop mounted systems that generate more than 120% of on-site power usage. Current code splits Solar Collection Systems into those making less than 120% of on-site energy use, and those making more than 120%. Standards for larger facilities include minimum tract area, enhanced setbacks and landscaping, and a site plan. The proposed ZTA would only apply those standards to ground-mounted systems. Rooftop mounted systems do not create the same visual or environmental concerns as ground-mounted systems, and as solar panels become more efficient, the likelihood that a site could produce over 120% of on-site energy use through rooftop mounted solar panels will increase.

The Board appreciates the District Council’s consideration of this proposed ZTA amending the provisions of Solar Collection Systems acknowledging state legislative preemption, and encouraging rooftop mounted solar. Do not hesitate to reach out to Planning Staff with any questions or concerns with the proposed ZTA.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report, and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Friday, March 27, 2026.

Sincerely,



Artie L. Harris
Chair

Attachments:

- A – Draft Solar ZTA
- B – Planning Staff Report for Draft Solar ZTA

PROPOSED ZTA CONCERNING SOLAR COLLECTION SYSTEMS - STANDARDS



Description

This ZTA would amend the use standards for Solar Collection Systems to streamline certain rooftop solar installations, and acknowledge the 2025 legislative session passing of Senate Bill 931/House Bill 1036, the Renewable Energy Certainty Act.



Proposed ZTA 26-## Completed: 3-19-26	MCPB Item No. 11 3-26-26	2425 Reddie Drive Floor 14 Wheaton, MD 20902
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BB	Benjamin Berbert, Planner IV, Design, Placemaking, and Policy Division Benjamin.Berbert@montgomeryplanning.org , 301-495-4644
Lg	Lisa Govoni, Supervisor, Design, Placemaking, and Policy Division Lisa.Govoni@montgomeryplanning.org , 301-650-5624
AS	Atul Sharma, Chief, Design, Placemaking, and Policy Division Atul.Sharma@montgomeryplanning.org , 301-495-4658

ZTA SPONSORS

Request of Planning Staff to the Planning Board

REVIEW BASIS

Chapter 59

Summary

- This ZTA is proposed in response to State legislation, Senate Bill 931/House Bill 1036, that passed in 2025, which limits the ability for counties or municipalities to require regulatory review for Solar Collection Systems deemed eligible for a Distributed Generation Certificate of Public Convenience and Necessity.
- This proposed ZTA would not amend the code sections pertaining to Solar Collection Systems between 2 – 5 megawatts (MW) in the AR zone but acknowledges the State preemption legislation by only applying the standards of Section 3.7.2.B.2. if a project is not otherwise allowed by the State.
- The ZTA proposes amendments to Solar Collection Systems in other Zones, regulating systems up to a maximum of 1 MW of energy, by creating a distinction between ground and rooftop mounted systems and generally reducing the requirements and

standards for rooftop mounted systems.

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SECTION 1 – BACKGROUND

Montgomery Planning Staff is recommending that the Planning Board request the introduction of a ZTA making changes to the use standards associated with Solar Collection Systems. The Solar Collection Systems use standards are located in Section 3.7.2, a subsection of the Miscellaneous Uses Division 3.7. Standards in this section include review process, minimum site size, setbacks, and screening, based on the underlying zone and on-site energy production levels.

State Legislation

In 2025, the Maryland General Assembly passed Senate Bill 931/House Bill 1036, collectively known as the Renewable Energy Certainty Act (Attachment B). The legislation's primary effect was to preempt local jurisdictions from regulating the installation of Solar Collection Systems that generate between 1 and 5 megawatts (MW) of alternating current (AC) electricity. Instead, these facilities will be reviewed by the Public Service Commission (PSC) for compliance with State requirements. For sites generating between 1 – 2 MW of electricity, the legislation created a set of minimum Statewide use standards that include site area plan requirements, landscaping and screening, and land disturbance limitations. Sites generating 2 – 5 MW of electricity will be reviewed as a Distributed Generation Certificate of Public Convenience and Necessity (DGPCN) by the PSC. A DGPCN would authorize the construction and operation of a solar generation facility, subject to certain requirements yet to be determined by the PSC. The Planning Board reviews the projects as a Mandatory Referral and for forest conservation, but as long as the application meets the requirements of the PSC, the application may be issued permits for construction.

The final standards and content for the DGPCN process require further study, with final requirements to be determined on or before July 1, 2026. The Power Plant Research Program is tasked with developing the necessary submittal, site, and design requirements, and a proposed licensing process for issuance of DGPCNs. The program must consider:

- The state's climate and renewable energy commitments
- Reasonable setback and screening requirements
- Environmental preservation, including prohibition on forest clearing unless it is to reduce shading on the panels, facilitate electric interconnection, or ensure site access.
- Stormwater management, erosion, and sediment control, including the effects of runoff from the solar installations, the impacts on soils and soil characteristics, and the effects on groundcover between and under the panels.
- Minimize the impacts on historic sites
- Public safety
- Industry best practices
- Stability and reliability of the electric grid, including receiving a signed interconnection agreement with the local utility

- Decommissioning
- Any other requirements deemed necessary

After the DGPCN process is approved for use by the PSC, the Power Plant Research Program will be responsible for reviewing applications for compliance with the qualifications for a DGPCN. The reviews would include providing the local jurisdiction with a copy of the application and holding a public hearing to comment on the application. If it is determined that a project is eligible for a DGPCN, the application will be sent to the PSC, which will hold another hearing where it must make the findings that the project complies with the requirements of the DGPCN. Local jurisdictions are prohibited from having their own regulatory process for a DGPCN, but are responsible for issuing stormwater, sediment, and erosion control, electric, and building permits for an approved project.

Projects over 5 MW were previously regulated by the PSC, and that is not changed by the State Legislation. The State legislation did include some amendments prohibiting larger facilities from planned growth areas and areas zoned for medium and higher density uses.

Within the legislation around DGPCNs, there is a fallback that limits the total amount of acreage developed with solar within any locally defined Priority Preservation Areas (PPA) to a maximum of 5%. Once a local jurisdiction's PPA exceeds 5% solar cover, the jurisdiction may report this to the PSC and be relieved of the State's preemption legislation related to DGPCNs. PPAs are a state recognized, locally designated area of agricultural protection, enacted in 2006 under the Agricultural Stewardship Act. Local governments established PPAs where they will use land use tools to prioritize the preservation of land and agriculture. Montgomery County has designated the entirety of the AR zone within the Agricultural Reserve as a PPA.

Rationale For The ZTA

The recently passed State legislation now preempts certain County zoning rules for solar facilities. Specifically, the State law overrides Zoning Code Section 3.7.2.B.2., which was established in 2021 by Ordinance 19-14/ZTA 20-01. This section sets limits on Solar Collection Systems in the Agricultural Reserve zone (AR zone), making these projects conditional uses, including a long list of specific use standards, and limiting the total acres of land that can be developed with solar.

These limitations were created through a careful and lengthy process; Planning Staff does not plan to substantially change the existing rules for Solar Collection Facilities in the AR zone at this time. Because of the legislation's fallback provision relieving it of State preemption if a County's PPA reaches 5% solar development, local regulations may once again apply instead of State law. Instead, Planning Staff is directing efforts toward improving the standards for smaller Solar Collection Systems not preempted by the State. This approach supports both State and County goals for expanding solar power, while continuing to protect the County's agricultural communities.

SECTION 2 – PROPOSED ZTA

ZTA Framework

The proposed ZTA (Attachment ##) was prepared by Planning Staff to amend the use standards for Solar Collection Systems under Section 3.7.2. The current use standards are divided into three broad sections: limited use standards for the AR Zone, limited use standards for Rural Residential, Residential, Commercial/Residential, Employment, and Industrial Zones, and conditional use standards for the AR Zone. Those three sections are further broken into use standards that apply to systems producing under 120%/200% of on-site energy usage and those systems producing over 120%/200% of on-site energy usage. The focus of this ZTA is to no longer focus on standards based solely on on-site energy usage, and to instead add a distinction between ground mounted and rooftop mounted Solar Collection Systems. The aim is to provide relief to rooftop mounted systems from certain use standards, such as site plan review, site area, setbacks, and screening. These requirements are best suited for mitigating ground level impacts of larger solar facilities that would not be present from a rooftop mounted system.

SOLAR COLLECTION SYSTEM DEFINED

This proposed ZTA would make updates to the definition of Solar Collection System under Section 3.7.2.A. on lines 13-15. The updated definition adds a statement that it must be allowed to be regulated by the county under Maryland Code §7-207, which is the section amended by the State Legislation that preempts local review of systems generating more than 1 MW of power. This change clearly sets out the limitations of the zoning code at the start of this section and makes it easy for a reader to find what is and isn't allowed based on State code.

The definition is further amended to provide sub-definitions for rooftop and ground mounted systems. Ground mounted systems would be where the solar panel is attached to dedicated support structures whose foundation is on the ground. Rooftop mounted systems have panels attached to mounting brackets that are then attached to the roof of another principal or accessory structure (lines 15-19)

The amended definition would also delete the specific text that a system larger than 2 MW is prohibited in the Agricultural Reserve (AR) zone. The intent is not to change this requirement, this same limitation is repeated again in the section specific to the AR zone, and Planning Staff believes it's cleaner not to include it in the definition section.

LIMITED USE AR ZONE

Currently, Solar Collection Systems are allowed as a limited use in the AR zone under Section 3.7.2.B.1.a., if the system produces no more than 200% of annual on-site energy usage. Any facility exceeding 200% of on-site energy usage is allowed as a conditional use, discussed in more detail later

in this report. The change Planning Staff recommends to this section is to specify that the 200% of on-site energy usage limitation only applies to ground mounted systems. Rooftop mounted systems would be allowed as a limited use exceeding 200% of on-site energy usage, so long as it complies with State code §7-207, which currently would allow up to 1 MW of production (lines 30-32). This adjustment provides an opportunity for residents and farmers in the Agricultural Reserve to potentially produce a modest amount of additional solar energy on the roofs of existing agricultural structures that won't require screening or enhanced setbacks, and also does not impact productive agricultural soils.

LIMITED USE ALL OTHER ZONES

More significant changes are proposed to the use standards for the Rural Residential, Residential, Commercial/Residential, Employment, and Industrial Zones under Section 3.7.2.B.1.b. The current use standards are divided into two sub-sections, one for systems producing 120% or less of on-site energy use, and another for systems producing more than 120% of on-site energy use. Planning Staff recommends modifying the two sub-sections to instead differentiate based on panel mounting location. The first sub-section would be modified to provide standards for ground mounted systems, and the other would be modified for rooftop mounted systems. These changes are discussed in more detail below.

The basis for Planning Staff's recommendation to base use standards on where the panels are mounted is to provide relief to rooftop mounted systems from the existing stringent use standards of systems producing more than 120% of on-site energy usage. These include a required site plan approval, minimum lot size, increased setbacks, and screening and fencing. These enhanced standards are intended to ensure compatibility of solar facilities with surrounding uses, but when mounted on a roof, many of the impacts of the solar facility are inherently mitigated. These additional standards are creating an extra process and expense with no perceived benefit.

Ground Mounted Systems

The first subsection, 3.7.2.B.1 b.i. is being amended to be the use standards for ground mounted solar, rather than for systems producing 120% or less of on-site energy use. Under b.i.(a). (lines 49 -57), ground mounted systems that produce 120% or less of on-site energy use would retain the existing use standards, which permit setback and height encroachments for solar panels.

New section b.i.(b) (lines 58 – 97), ground mounted systems that produce over 120% of on-site energy use would adopt the same standards that currently apply to Solar Collection Systems producing over 120% of on-site energy use. These include requiring a site plan, a minimum of 3 acres, limiting power production to that allowed by the State (currently 1 MW), height limits, enhanced setbacks, fencing, screening, and limiting the type of panels to minimize reflections and glare. To be consistent with the requirements of Solar Collection Systems in the AR zone producing more than 200% of on-site energy

usage, Planning Staff is recommending that a ground mounted system producing over 120% of on-site energy usage will need authorization from the local utility allowing connection to the grid.

Rooftop Mounted Systems

The second subsection, b.ii. (lines 98 – 132) is edited to become the rooftop mounted Solar Collection System section. The only applicable use standards would be receiving authorization from a local utility if producing more than 120% of on-site energy usage, limiting on-site energy production to levels allowed by the State (currently 1 MW). Rooftop mounted solar would no longer be subject to the existing requirements of site plan, minimum lot size, enhanced setbacks, landscaping, and screening.

CONDITIONAL USE AR ZONE

The final use standard section within Solar Collection System is under 3.7.2.B.2, which provides provisions for providing Solar Collection Systems as a conditional use in the AR zone. This section was added in 2021 as part of an extensive discussion on the role that solar installations in the AR zone should play in meeting the County’s environmental and energy goals. The process and standards established have been preempted by the state legislation allowing solar facilities between 1 – 5 MW to be reviewed by the PSC either as an allowed use or through a DGPCPN.

As mentioned before, there is a provision in the State legislation that allows a local jurisdiction to resume authority over solar facilities within their PPAs once solar installation reaches 5% within a given area. While 5% of Montgomery County’s approximately 93,000-acre PPA is 4,650 acres, exceeding the current limit of 1,800 acres of solar in the AR zone, Planning Staff recommends generally retaining the local solar use standards as they are. The only proposed changes are to acknowledge State preemption through reference to the State Code, and to be consistent with applying these regulations only to ground mounted systems.

To acknowledge the preemption, the ZTA adds a statement at the beginning of the section stating “Except as allowed by the State of Maryland Code §7-207 ” (line 133) as an acknowledgement of the current preemption, and a reminder to users of the Zoning Code that this section may not currently be applicable. To only have the conditional use section applied to ground mounted systems, that text is added on line 135. The previously discussed amendments to the limited use standards for Solar Collection System in the AR zone no longer have a generation limit on rooftop solar.

Except as allowed by the State of Maryland Code §7-207, a [A] Solar Collection System may be allowed as a Conditional Use in the AR zone if it is a ground mounted Solar Collection [exceeds a] facility rated at more than 200% of on-site energy use, and is less than 2 megawatts (AC). Where a Solar Collection System is allowed as a conditional use in the AR zone, it may be permitted by the Hearing Examiner under Section 7.3.1. Conditional Use and the following standards:

SECTION 3 – CONCLUSION

Planning Staff recommends the Planning Board support this proposed ZTA, modifying the use standards for Solar Collection Systems, and sending the ZTA to the District Council requesting introduction. This ZTA would modify the use standards for Solar Collection Systems to make it easier to install rooftop mounted solar across the entire County and acknowledges the recently passed State legislation preempting local control over systems between 1 and 5 MW of AC power generation.

SECTION 4 – ATTACHMENTS

Attachment A: Draft Zoning Text Amendment 26-xx

Attachment B: State Legislation Senate Bill 931